

Paco Textures Corporation

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August 22, 1977

Secretary
Consumer Product Safety Commission
Washington, D.C. 20207



RE: PROPOSED RULES TO BAN ASBESTOS FROM PATCHING COMPOUNDS

Dear Secretary:

This letter is in regard to the proposed rules published in the Federal Register on July 29, 1977.

The proposal states, "Patching compounds that are labeled as, marketed, and sold solely for industrial use would not be within the scope of this ban." However, it is further stated that the commission considers substantially all patching compounds as consumer products under the CPSA.

We are a medium size company, manufacturing Dry-Wall Joint Compound. As published, the rules would effect all of our Joint Compound business even though it is almost entirely sold to the professional market. The commercial industry is already under the regulations of O.S.H.A. The retail or consumer portion of our business is small, but very identifiable.

If a ban is required, it should not include material that is made for commercial or professional use. In our distribution system it is very easy to distinguish between the retail and the commercial sales. But labeling asbestos-containing patching compound "FOR COMMERCIAL USE ONLY" and banning asbestos from containers under 20 pounds would further assure an effective control.

Technology has been approaching a zero level of asbestos in joint compounds. However, it has not yet reached the quality required by the commercial market. I have, personally, tested 236 different formula changes in the laboratory with little success. I have also evaluated non-asbestos products of other manufacturers and found them also lacking in properties required by the building industry. The biggest problems being a lack of workability during application with shrinking and cracking after drying.

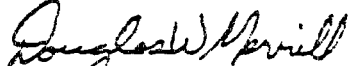
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Given six months of further development, I feel we could produce a product for the consumer who does not require a high production type product and who would normally use a product under more ideal climatic conditions.

In summary, I feel that the commission should clearly exclude the commercial (professional) market and that if a ban is determined to be required for the consumer market, that it be effective 180 days after publication of the final rule.

I would also like to request a copy of the hearing held August 15, 1977 at the commission hearing room, with respect to the above matter.

Sincerely,


Douglas W. Merrill
Research and Production
Manager

DWM/jlb

cc: S. John Byington, Chairman-CPSC
John Liskey, Office of Program Management, CPSC